

Remarks

This is responsive to the second non-final Office Action mailed November 5, 2007, which allowed claims 8-15, 23-24 and 28-31, and rejected claims 1-7, 16-22 and 25-27. The Applicant expresses appreciation for the Examiner's continued diligence with respect to the present prosecution.

Amendments have been presented above to the drawings, specification, and claims. It is believed that these amendments address the remaining issues raised by the Examiner and will result in placement of the case into proper condition for allowance.

FIG. 8 in the drawings has been amended to add an arrowed broken line and a broken oval with the text "TOC, REF, ETC." to further illustrate the "ID TAG 1" oval originally presented in FIG. 8 preferably includes the table of contents (TOC) or a portion thereof, a suitable reference value, etc. Support for this amendment to FIG. 8 includes in the specification at page 7, lines 16-18; page 7, line 25 to page 8, line 3; and page 9, lines 5-25. More specifically, the specification states:

The ID tag indicates that the layer 1 corresponds to (i.e., belongs with) layer 0. While the ID tag field 150 is conveniently located in and is accessible from the middle area 124, other locations can readily be used including the program area 126 or the lead-out area 128 (FIG. 2). It is important to note that the ID tag does not merely constitute the program area contents per se, but rather serves as a separate identifier thereof.

In one preferred approach, the ID tag comprises at least a portion of the TOC from the first layer 114, such as relating to that portion of the title contents resident in the program area 126 on the layer 116. In this way, this information can be used during stand-alone testing of the layer 116 without the need to access the TOC from the associated layer 114. Alternatively, a copy of the complete TOC from the first layer 114 can be easily stored in the ID tag field 150.

In another approach, the ID tag additionally, or alternatively, includes a particular reference value that is assigned to the layer 116. Generally, the reference value is a unique identifier (such as an encoded or nonencoded alphanumeric string) that, through access to a database, enables

identification of the title, contents, revision level, mastering date, and other relevant history characteristics of the layer 116.

Preferably, all of the layers of the disc 102 are provided with ID tags, including the first layer 114 (layer 0). Specification, page 7, line 19 to page 8, line 5 (emphasis added)

The specification has been amended on page 6 to change “form” to “from” to correct a minor error in the specification as originally filed, and to improve the readability thereof.

The language of claims 1-2, 5-6, 16, 21 and 25-26 has been amended, and claim 22 has been cancelled without prejudice.

Independent claim 1 now generally features “*a first stamper configured to form pits and lands in a non-first layer in a multi-layer optical disc, said pits and lands in the non-first layer defining non-first layer data including an identifier tag which identifies the first stamper as corresponding to a second stamper configured to form pits and lands in a first layer of the disc, said pits and lands in the first layer defining first layer data that are different from the non-first layer.*” Support for this clarifying language includes in the specification at page 8, line 14 to page 9, line 4 and FIGS. 6-8.

It is noted that the recited “non-first layer” language in claim 1 is readable on the exemplary “N>0” stamper and layer depicted in FIG. 6, and that the recited “first layer” language in claim 1 is readable on the exemplary “0” stamper and layer depicted in FIG. 7. The claim language “*said pits and lands in the first layer defining first layer data that are different from the non-first layer*” is further explicitly shown by the exemplary assembled disc in FIG. 8. These amendments to claim 1 are believed to be merely clarifying without narrowing the scope of the claimed subject matter over what was previously presented.

Dependent claims 2 and 5-6 has been amended to better conform to base claim 1.

Independent claim 16 has been amended to remove the clarifying amendments provided in the previous Applicant's Response, thereby restoring claim 16 to its originally filed form. Support includes the language of claim 16 as originally filed, as well as the language of allowed independent claim 8. For reference, these amendments to claim 16 will be understood to have no preclusive effects during subsequent proceedings concerning the issued patent, and claim 16 will be entitled to a full range of equivalents as if the amendments had never been made.

Dependent claim 21 now further generally features the recited "second stamper," and further recites "*wherein the first and second stampers are further configured to be used to form the respective first and second layers of the disc in a layer fabrication process.*" Support includes the "layer fabrication" step 204 of FIG. 9. No narrowing of the scope of the claim results from these amendments to claim 21.

Dependent claim 25 has been amended to now recite "*wherein the first set of data comprises a first program area, and the second set of data comprises a second program area.*" This clarifying language is supported including in the specification at page 5, lines 20-25 and in FIG. 2 with regard to the exemplary program areas 120, 126 on the respective layers of the exemplary multi-layer disc 102. These amendments to claim 25 also do not narrow the scope of claim 25 over that which was previously presented.

Finally, dependent claim 26 has been amended to now recite "*wherein the disc is configured such that the first and second layers are sequentially read to recover the contents of the disc.*" This language is supported by the flow of FIG. 2 as well as in the

specification at page 5, lines 19-26. This amendment to claim 26 also does not narrow the scope of the claim over that which was previously presented.

It is accordingly submitted that these amendments are proper, fully supported by the application as originally filed, do not introduce new matter or narrow the scope of the claimed subject matter, and serve to place the application in proper condition for reconsideration and allowance.

Allowable Subject Matter

The Applicant gratefully acknowledges the allowance of claims 8-15, 23-24 and 28-31. For the reasons set forth below, the remaining pending claims are also believed to be allowable as well.

Objection to Drawings

The Office Action provided an objection to the drawings on the basis that certain features in the claims were not deemed to be adequately illustrated by the drawings as filed. These deficiencies were stated as follows:

Therefore, the apparatus of claim 21 comprising a stamper, a second stamper, a multi-layer optical disc with details as claimed and the first and second stampers for use concurrently and the optical disc of claim 9 including identifier tag that comprises at least portion of the TOC must be shown or the feature(s) cancelled from the claim(s). Office Action, page 2, lines 2-6 (emphasis added)

This objection is respectfully traversed on the basis that the subject matter of claims 9 and 21 as previously presented were fully supported by the drawings as originally filed. However, certain voluntary clarifying amendments to the claims and the drawings have

been presented by the Applicant in a good faith effort to advance the present prosecution and to address the Examiner's desire for further clarity.

First, with regard to claim 21, it will be noted that the terms "concurrently" and "injection molded" have been removed from the claim language. The skilled artisan would have viewed the sequence discussed in the specification including with respect to the flow of FIG. 9, steps 204 (layer fabrication) and 208 (disc assembly) as including such terms. See e.g., specification, page 8, lines 26-28. Nevertheless, the removal of the offending terms serves to eliminate this issue without narrowing the scope of the subject matter.

With regard to the remaining features recited in claim 21, it is noted that the recited "*first stamper*" is exemplified in the drawings including the stamper 156 in FIG. 6. See page 8, lines 15-18. The recited "*second stamper*" is exemplified in the drawings including the stamper 160 in FIG. 7. See page 8, lines 32-33. The recited "*layer fabrication process*" is exemplified in the drawings including by the "*layer fabrication*" step 204 in FIG. 9. See page 9, lines 28-29; page 9, line 31 to page 10, line 1.

Similarly, with regard to claim 9, the skilled artisan would have immediately understood that the recited "at least a portion of the TOC" to have been exemplified by the types of data that can be stored in the "ID TAG 1" field depicted in FIG. 8 as originally filed. See e.g., page 7, lines 25-32. Nevertheless, the above voluntary amendments to FIG. 8 now more explicitly show different types of data that can be stored in this field.

In view of the foregoing, it is believed that the above objections have been adequately addressed, and reconsideration and withdrawal of the objections are accordingly requested.

Objections to Specification

The Office Action additionally made a number of objections to the specification, particularly with the subject matter of claims 1, 16, 21, 22, 25 and 26. These objections are further respectfully traversed by the Applicant on the basis that the skilled artisan would have viewed the specification as originally filed to fully support the subject matter of these claims as previously presented.

Nevertheless, clarifying amendments have been presented to claims 1, 16, 21 and 25-26, and claim 22 has been cancelled without prejudice. Support for these amendments has been provided above, and will thus not be repeated here. It is now believed that these amendments obviate the above objections to the specification, and reconsideration and withdrawal of the objections are respectfully solicited.

Rejection of Claims Under 35 U.S.C. §112, Written Description

Claims 1, 16, 21-22 and 25-26 were similarly rejected for failure to meet the written description requirement. This rejection is respectfully traversed on the basis that the skilled artisan would have viewed the previously presented subject matter of these claims to have been fully described by the application as originally filed, and that the inventor “*had possession*” of this subject matter at the time of filing. See *Moba B.V. v. Diamond Automation*, 66 USPQ2d 1429, 1438 (Fed. Cir. 2003); MPEP 2163.

Nevertheless, it is believed that the clarifying amendments presented above fully address this issues raised by this rejection, and reconsideration and withdrawal of the rejection are accordingly requested.

Rejection of Claims Under 35 U.S.C. §112, Indefiniteness

Finally, claims 1-7 and 21-22 were rejected under §112, first paragraph as being indefinite. More specifically, the Examiner indicated that it was not clear whether the Applicant intended to claim the recited “*first stamper*,” the “*disc*” or the “*second stamper*.”

In response, the Applicant respectfully submits that independent claim 1 fully meets the requirements of §112, first paragraph in that claim 1 recites and is directed solely to the “*first stamper*.” The Applicant respectfully submits that it appropriate and proper to direct a claim solely to the first stamper for a non-first layer in a multi-layer disc, since such a stamper may be fabricated and used at a different time, or even location, from the second stamper. See e.g., specification, page 6, line 11 to page 7, line 6; page 10, lines 4-7; page 10, lines 26-27.

It is noted that in order to define the various structural limitations that distinguish the novel “*first stamper*” over stampers of the prior art, such limitations are described in terms of another stamper and the resulting layers respectively formed thereby. This is how claim 1 is set forth, and it is believed that such would be immediately clear to the skilled artisan.

Accordingly, in view of the clarifying amendments presented above, it is respectfully submitted that the subject matter of claim 1 is sufficiently definite to meet the requirements of §112, first paragraph. Reconsideration and withdrawal of the rejection of claims 1-7 and 21-22 are respectfully solicited.

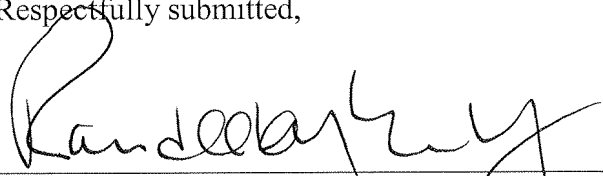
Conclusion

This is intended to be a complete response to the first Office Action mailed November 5, 2007. The Applicant requests reconsideration and allowance of all of the claims pending in the application.

Should any questions arise concerning this response, the Examiner is invited to contact the below signed attorney.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Randall K. McCarthy", written over a horizontal line.

Randall K. McCarthy, Registration No. 39,297

Bill D. McCarthy, Registration No. 26,772

Fellers, Snider, Blankenship, Bailey & Tippens, PC

100 North Broadway, Suite 100

Oklahoma City, OK 73102

Telephone: (405) 232-0621

Fax: (405) 232-9659

Customer No. 33900